

The University of Chicago

THE UNDERLYING SANCTIONS OF PLAINS INDIAN CULTURE

A PART OF A DISSERTATION SUBMITTED TO
THE FACULTY OF THE DIVISION OF THE
SOCIAL SCIENCES IN CANDIDACY FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF ANTHROPOLOGY

1934

By
JOHN H. PROVINSE

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INTRODUCTION

In an attempt to clarify the study of law among preliterate peoples Professor A. R. Radcliffe-Brown² a few years ago proposed and briefly discussed a set of categories for the classification of the underlying sanctions³ of social control. With the desire of further examining this proposed classification by attempting to apply it to a preliterate area in North America the present writer undertook a survey of the literature dealing with social control among the Plains Indians. The following pages are a summary of the study.

The reasons for the selection of the Plains area for such a study are obvious ones to most readers: (1) it is the area of aboriginal North America on which fullest data are available and (2) it is an area in which the character of the political development predisposes one to problems of a legal nature, since at certain times of the year the centralized authority of the tribes was exceedingly strong and well defined. It is at once apparent that this annual or occasional emergence of centralized authority should be highly instructive with regard to legal sanctions and political development.

The plan of procedure was to examine the existing literature and attempt to catalogue the data on social control in accord-

¹ Re-written portion of a thesis accepted by the department of anthropology, University of Chicago, 1934, in candidacy for the Ph.D. degree.

² *Law and Social Sanctions*. To Professor Radcliffe-Brown, who gave freely of his time for consultation during the course of the study, the writer is deeply grateful.

³ A sanction is defined as "a reaction on the part of a society or of some considerable number of its members to a mode of behavior which is thereby approved or disapproved."

ance with Professor Radcliffe-Brown's classificatory scheme. Those data are none too plentiful. On only five tribes—the Assiniboine, Blackfoot, Crow, Dakota, and Omaha—is the material at all satisfactory; a few supplementary instances of the operation of the sanctions were obtained from the literature on other of the Plains tribes.⁴ It is unnecessary, perhaps, to point out that in the reports the word "sanction" does not occur. What does occur are instances of the operation of tribal custom, covering breaches of tribal regulations and conventions, and the observations of the investigators. These instances and observations, frequently fragmentary and isolated, furnished the basic material for the study.

Fully aware of the many difficulties inherent in any attempt to classify social control mechanisms or social sanctions, Professor Radcliffe-Brown has been careful to avoid too strict definition of the boundaries of his categories, and one does not find therefore the neatly outlined scheme of classification which might be expected. Without injustice, however, it is possible to summarize in outline form the suggested categories; for fuller discussion the reader is referred to the original articles previously mentioned.

I. *Primary sanctions* (those that protect the interests of society as a whole)

Organized (legal)

Negative (penal)

Positive (premlial)

Diffuse (moral or ethical)

Negative (disapproving)

Positive (approving)

Religious (ritual, supernatural)

Obligatory

Mediate

Negative

Positive

⁴ Since the above was written, E. Adamson Hoebel has procured from among the Northern Cheyenne a number of valuable instances of social control pertinent to the present study. No attempt has been made to incorporate these into the summary here given. Hoebel's timely study is instructive as to what material may even yet be obtained concerning legal and political features too long neglected by anthropologists (see *Associations and the State in the Plains*, pp. 433-38).

Immediate

Negative

Positive

Nonobligatory (luck)

II. *Secondary sanctions* (those that protect the interests of the individual)

Retaliatory

Restitutive

III. *Mixed sanctions* (those embodying reactions both of primary and secondary nature)

The principal distinction, it will be seen, is one between primary and secondary sanctions—a distinction based on the interests protected. Primary sanctions protect the interests of the community or society as a whole; secondary sanctions protect the interests of individuals, or groups of individuals less than the whole society, by giving to him, or them, some sort of satisfaction for wrongs suffered. The secondary sanctions, as Professor Radcliffe-Brown points out, are based on the primary ones, not necessarily in the sense that they are subsequent to them in coming into existence, but that they find their authority in the primary ones. This primary-secondary differentiation, it is apparent, parallels the traditional criminal-civil, crime-tort, punishment-revenge, or punishment-satisfaction distinctions so frequently found in modern juridical terminology but is more inclusive in scope in that it allows for the treatment, first, under the primary sanctions, of those diffuse social and religious control forces out of which organized legal control has developed and, second, under the secondary sanctions, of a large class of private wrongs which our modern civil-law terminology does not encompass but which are essential to a thorough understanding of the development of that branch of jurisprudence.⁵

It is to be noted in the foregoing attempt, or for that matter any attempt, to classify the sanctions of social control that two aspects of the problem must be considered: (1) the nature of the attitudes and beliefs aroused by the act calling the sanction

⁵ One may justly regret the injection of new terms, but in view of the restricted meanings which so many of our present juridical terms have come to have, some new terminology seems necessary if we are to broaden the scope of our investigation of "law" sufficiently to bring into it the embryonic or rudimentary material of preliterate society.

into operation and (2) the existence and nature of the machinery by which society responds to the delinquent's acts—in other words, their conceptual as opposed to their structural or procedural aspect.⁶ The attitudes and beliefs, basic though they may be to the ultimate analysis of social control, are very difficult of analysis at the present time, not only in the Plains where the data are sparse but in our own society where the data are plentiful. For this reason interest here has centered primarily on the procedural aspects of the problem in the hope thereby of avoiding the confusion which a consideration of attitudes would inject into the analysis.

THE PRIMARY SANCTIONS IN THE PLAINS TRIBES

In general, among the simpler societies of the world, the offenses covered by the primary sanctions are much less numerous and differ considerably in kind from those which are the subject of reaction and condemnation in modern society. Characteristic also of these preliterate groups is the absence of any strongly centralized authority for the infliction of penalties, resulting on the whole in the absence or limited operation of organized or legal sanctions and the more frequent application of diffuse sanctions operating in the ordinary course of social interaction. Against these general observations the Plains Indians are of considerable interest, for these warlike, buffalo-hunting nomads had not only extended the jurisdiction of their social control to a degree uncommon in preliterate groups but had also developed a strong and efficient instrumentality for making that control effective.

Organized sanctions and the Plains police.—Any discussion of the organized sanctions in the Plains cannot be separated from the executive machinery through which they were applied—the Plains police. These police, most frequently referred to in the literature as “soldiers” or *akicita*, were selected in a variety of ways. Among the Crow, police duties were associated in irregu-

⁶ For the wording of this distinction the writer is indebted to Professor Robert Redfield, of the University of Chicago, whose critical comments during the progress of the study were a frequent source of assistance.

lar order with one or another of the tribal military societies;⁷ among the Blackfoot two or three of the military societies were selected to act;⁸ likewise, among the Teton-Dakota it appears that an entire society was chosen each year by the head *akicita* to act as the policing unit.⁹ The practice differed somewhat among the Eastern Dakota groups where the police officials were chosen without regard to society affiliation,¹⁰ and similar methods of selection are reported for the Omaha¹¹ and for the Assiniboine,¹² ability and military prowess rather than club membership determining the choice. Among other tribes further variations are reported: among the Hidatsa and Mandan the same society, the Black Mouths, were selected every year;¹³ among the Osage the police duties devolved on the gentes.¹⁴ Most of the southern Siouan tribes, the Ponca being a possible exception, followed the Eastern Dakota practice of selecting without regard to society membership. Though military or other societies are often associated with police duties in the Plains such practice is far from universal—a fact which suggests rather strongly that the tribal police power—and hence sovereignty, law, and the state—is but an incident of these associations rather than inherent in them.

Considerable variation is also to be found in the manner in which authority was delegated to these police. Appointments emanated from a head chief, a group of chiefs, a council, or from

⁷ R. H. Lowie, *Social Life of the Crow Indians*, p. 229.

⁸ Clark Wissler, *Blackfoot Societies*, p. 367. But see also Wissler, *Social Life of the Blackfoot*, p. 26, where he says: "As to whether the men's societies were police by virtue of their own membership, or whether they were individually called out to form an independent body is not certain."

⁹ A. Skinner, *Eastern Dakota Ethnology*, p. 173; Lowie, *Eastern Dakota Dances*, p. 141.

¹⁰ Skinner, *Eastern Dakota Ethnology*, p. 173; Lowie, *Eastern Dakota Dances*, p. 141.

¹¹ Owen Dorsey, *Omaha Sociology*, p. 288.

¹² Owen Dorsey, *Siouan Sociology*, p. 225.

¹³ Lowie, *Hidatsa and Mandan Societies*, p. 249.

¹⁴ Lowie, *Ethnology of the Crow and Village Indians*, p. 65.

some other tribally constituted and recognized authority acting for the group as a whole. It stands out clearly, however, that these police, however appointed, were public officials acting openly and impersonally for the public good, and backed up by the highest tribal authority.

The tenure of office is less clear. Among the Crow "every spring" the camp chief appointed one of the military societies to serve as a police force,¹⁵ the office terminating "with the first snowfall."¹⁶ The same seasonal appointment appears to have been made among the Blackfoot.¹⁷ Among the Dakota the information seems to indicate two sets of police functionaries, one set holding office rather continuously during the year, the other set being chosen for special occasions and ceasing to function upon the completion of the service for which appointed.¹⁸ The regulars of the first set held office for life among the Eastern Dakota;¹⁹ among the Oglala they "seem to serve continuously during the year."²⁰ During the exercise of authority by the special appointees, the authority of the regular *akicita* was suspended.²¹ Among the Omaha the hunt policemen, though their office terminated "with the hunt," were apparently available for call whenever tribal affairs warranted some executive action by the Council of Seven. Hence, with the possible exception of the Dakota, Omaha, and Pawnee, the police seem to have functioned only during the summer activities of the tribes.

Some further light is to be obtained by inquiry into the specific occasions on which the police were active. The most important one of these is probably the buffalo hunt. The use of

¹⁵ Lowie, *Social Life of the Crow Indians*, p. 229.

¹⁶ Lowie, *Crow Military Societies*, p. 183.

¹⁷ Wissler, *Blackfoot Societies*, p. 367.

¹⁸ Wissler, *Oglala Societies*, p. 10; Lowie, *Eastern Dakota Dances*, p. 131.

¹⁹ Lowie, *Eastern Dakota Dances*, p. 133.

²⁰ Wissler, *Oglala Societies*, p. 10.

²¹ Lowie, *Eastern Dakota Dances*, p. 135. The Pawnee practice resembles the Dakota with the exception that the regular police still exercised their powers in camp even during the term of office of the buffalo-surround police (Murie, *Pawnee Societies*, p. 557).

police during this period is reported for all five groups especially considered in this paper and has been reported generally throughout the Plains.²²

Police activities in many phases of life other than the buffalo hunt are to be found. On war parties the police acted to keep order while the party was in movement, guarding against surprise attacks, restraining the overzealous, urging on the stragglers, and insuring that no one left the group without proper authority. Such duties are reported for the Omaha, the Eastern Dakota, the Northern Shoshoni, the Kansa, and the Pawnee. Denig's reference with regard to the Assiniboiné²³ is ambiguous, Wissler is not specific with regard to the Blackfoot,²⁴ and no reference is to be found for the Crow. While moving camp, police carried out the orders of the directors or chiefs among the Blackfoot, Dakota, Assiniboiné, Hidatsa, Mandan, Comanche, and Iowa; this type of police function is not found for the Crow or the Omaha.

In restraining war parties at inopportune times, specific mention of the police activities are to be found only for the Dakota, Crow, Omaha, and Hidatsa, but it is likely that it existed for a number of other tribes. Argument seems to have been the first recourse on the part of the chiefs and soldiers in attempting to restrain restless braves; this failing, feasts were sometimes given to mollify the warriors, and should these latter still persist in

²² Some interesting exceptions are to be found, however. For the Sarsi, Goddard reports that "there was no body of men who punished offenses connected with hunting" (*Dancing Societies of the Sarsi*, p. 465), and Lowie records the same absence of the hunt police among the Comanche where the only punishment for advancing ahead of the main body was a reproof (*Dances of the Plains Shoshone*, p. 812; see also Hoebel, *op.cit.*, p. 438 n.). Police bodies are reported, however, among both these groups for other purposes—among the Comanche for regulating the tribe on the march and among the Sarsi "for keeping order during the Sun Dance, and probably at other times when the various bands were camped together. Why, if the police organization was so primarily a buffalo-hunt organization, as is suggested by Lowie and Wissler, it should be lacking among two such eminently buffalo-chasing groups as the Sarsi and Comanche constitutes an interesting problem.

²³ E. T. Denig, *Tribes of the Upper Missouri*, p. 552.

²⁴ *Blackfoot Societies*, p. 370. Wissler states that "for any occasion the chiefs would call upon one or two of the societies . . . for police duties."

their intentions, "soldier-killing"²⁵ was resorted to. During the Sun Dance police were selected for the preservation of order by the Dakota, Crow, Assiniboine, Blackfoot, Sarsi, Iowa, Plains-Cree, and the Kansa; among some of the groups these police also supervised the conduct of the dance ritual.

Though the policing of the buffalo hunt has been frequently remarked by Lowie, Wissler, and others as the primary duty of the police officers, their duties as keepers of the public peace during tribal gatherings appear as important as regulation of the hunt. In fact, if one can judge the relative importance of the police functions by the number of references to each kind found in the reports, police duties in connection with settling disputes, punishing offenders, and maintaining order in camp generally would seem to surpass in importance the police duties at the communal hunt. Police supervision of this kind covered a wide variety of activities ranging from unauthorized absence from the camp or the suppression of horseplay to the compounding or punishment of murder and lesser offenses. During a part of the year, perhaps the greater part, the settlement of such delicts as murder, theft, assault, and similar offenses seems to have been left almost entirely to individuals and their kin—a matter of secondary sanctions, but tribal intercession, through the police or the chiefs, was a frequent occurrence. Presumably it took place when the entire tribe, or the greater part of it, was united for some common purpose. Such societal interference for the prevention of intratribal hostilities is reported from the Blackfoot, Omaha, Crow, Oglala, Eastern Dakota, and the Plains-Ojibway. Nearly all investigators, in fact, ascribe to the police the power to prevent quarrels within the camp.

Regrettably lacking from the reports in most cases is information on the rather crucial point as to how far this police power extended. Did the police have power to carry their orders into effect? Wissler for the Blackfoot states that the headmen must proceed in the settlement of disputes with tact, persuasion, and extreme deliberation and that they are "expected to succeed

²⁵ "Soldier-killing" did not always, or even frequently, extend to the actual taking of life.

without resort to violence.”²⁶ Denig for the Assiniboine denies to the police the right to punish for murder, this being left to the individual.²⁷ Lowie, on the other hand, citing Beckwourth on the Crow, says that it meant instant death to refuse to abide by the police orders.²⁸ The use of force among the Dakota also seems quite definite, for the police “see that no one kills another, but in case one does, they either kill him or destroy all his property, destroy his tipi, etc.”²⁹ Among the Omaha the native policemen were empowered to strike those who “quarreled and fought, stole, or scared off the buffalo.”³⁰ The death penalty also was imposed by means of a poisoned staff in the hands of a representative of the Council of Seven on those “who made light of the authority of the chiefs.”³¹ Though these cases are not numerous, there seems little doubt but that the Plains police did have full power to carry out even the extremest penalties in the execution of the duties of their office.

The punishments inflicted by the police are quite uniform throughout the area. Whipping³² or clubbing was the most frequent measure resorted to, followed up in more serious cases by destruction of the culprit’s personal property—his tipi, blankets, gun, bow, horses, etc. Infrequently, in the case of a particularly stubborn individual, the death penalty was inflicted; Denig reports having seen two killed in his twenty-odd years among the Assiniboine.³³ The severity of the punishment and the rigidity of its enforcement seem to have varied with the seriousness of the offense as measured by the consequences of the act to the welfare of the tribe. If the misconduct at the hunt did not result in a serious deprivation for the tribe as a whole, the

²⁶ *Blackfoot Social Life*, pp. 23-24.

²⁷ *Op. cit.*, p. 448.

²⁸ *Social Life of the Crow Indians*, p. 229.

²⁹ Wissler, *Oglala Societies*, p. 10.

³⁰ Dorsey, *Omaha Sociology*, p. 363.

³¹ Fletcher and La Flesche, *The Omaha Tribe*, p. 213.

³² The whip is quite generally throughout the Plains the symbol of office of these police officials.

³³ Denig, *op. cit.*, p. 445.

culpability was less than if the act had occasioned dire hardship and want.

Another characteristic of Plains justice is the order-preserving nature of police activity as opposed to the idea of punishment for the sake of social vengeance. This is most clearly brought out by the attitude of the society toward the offender after punishment had been inflicted upon him. Conformity, not revenge, was sought, and immediately after a promise to conform was secured from the delinquent, steps were taken to reincorporate him into the society. For example, among the Assiniboiné the police, after inflicting punishment on an offender, waited four days without further action. If during this time the criminal had made no display of resistance or unruliness, they assembled to discuss the case and usually gave presents to the man and reinstalled him in a new lodge.³⁴ Numerous other similar instances from the Dakota, the Plains-Ojibway, the Mandan, and the Hidatsa are to be found.

This restitution on the part of the soldiers was a completely social act, oftentimes under the direct order of the chief or council. The compensation given was roughly commensurate with the damage suffered through the police action. The important feature is that, were the offender at all amenable to reform, he was given another chance and was provided with those necessities of life that would enable him to make another start. Plains justice was organized, in so far as societal intervention did occur, not to inflict punishment for its own sake but to secure conformity to tribal regulations in order to preserve the integrity of the group.

Unsatisfactory as the recorded data for the Plains tribes are with regard to matters of social control, even the available material is convincing as to the existence of a well-defined legal authority in the area. There seems very little reason, furthermore, for restricting the field of this legal activity to the buffalo hunt, for instances of its penetration into several other phases of life are too numerous to be ignored. The authority is probably a tribal phenomenon, coming into existence with the spring re-

³⁴ Lowie, *The Assiniboiné*, p. 36.

union of the various bands of the tribe and continuing during tribal hunting and military and ceremonial co-operative activity.³⁵ In summary we find that this police function was invoked most frequently and most rigorously for the following purposes: (1) to regulate the communal hunt; (2) to regulate tribal ceremonies; (3) to settle disputes, punish offenders, and preserve order in camp; and (4) to regulate war parties and restrain such at inopportune times.

One need only glance at the kinds of regulation summarized above to see that each activity in which the constituted police authority concerned itself was something the regulation of which was important to the survival of the society, Plains culture being what it was. The activities group themselves into two categories of social existence: the first three—economic security, the proper relationship of the group with the supernatural world, and the maintenance of peace and order—being concerned with internal affairs; the last, the relationships with other tribes, with external affairs. What social intervention in the affairs of individuals is found among the Plains tribes appears to be directed toward securing a better integration, internally and externally, of the group.

The need for some kind of control has given to the conquest theory of the state such standing as it has enjoyed. But the need for control can arise from other circumstances than those of an invading force subjecting a conquered people. Our Plains data, as McLeod has before now pointed out, would indicate that authoritative and sovereign control can be assumed by a group as a factor of group survival as well as be imposed upon them by outsiders. What would appear to be most fruitful in future investigations on the nature of the state is this need for and development of centralized authority in its relationship to the social structure and to the things that are important in the life of the group.

Before concluding with the organized penal sanctions, atten-

³⁵ In this connection the possible year-long police function among the Omaha, the Dakota, and possibly other groups warrants further study. Nor is there yet available any good description of what types of control are in effect among the bands during the winter breakup of the tribe.

tion must be called to another type of organized restraint of peculiar interest. This is the specialized development of the satirical sanction—a type of disapproval operating in most societies, including our own, in a very unorganized manner, but applied in the Plains with some degree of formality. Not all or even many of the satirical sanctions in the Plains had become organized, but the fact that any of them were formally applied is but another indication of the tendency to regularize control procedures. The best example is probably the following case from the Blackfoot, reported by Wissler:

For mild persistent misconduct, a method of formal ridicule is sometimes practiced. When the offender has failed to take hints and suggestions, the head men may take formal notice and decide to resort to discipline. Some evening when all are in their tipis, a head man will call out to a neighbor asking if he has observed the conduct of Mr. A. This starts a general conversation between the many tipis, in which all the grotesque and hideous features of Mr. A's acts are held up to general ridicule amid shrieks of laughter, the grilling continuing until far into the night. . . . ³⁶

In another case, among the Omaha, it is reported:

In olden times members of an unauthorized war party which had lost any of its number, on their return were forced to strip themselves, put clay on their heads and faces, crawl on their hands and knees to the lodges of the principal chiefs, and there cry for mercy.³⁷

The latter case presents certain difficulties of classification. One needs, of course, a fuller definition of the word "forced" to know whether the sanction is legally organized, but the difficulty does not end there. Where, when one of the diffuse sanctions of ridicule becomes organized, does one draw the line between that and a penal sanction? When does mockery or debasement become a legal penalty? It is in such cases that the distinction earlier referred to between conceptual and procedural aspects of the problem of social control must be kept in mind.

Other instances giving even more difficulty of classification come to light in connection with the chastity tests for women. For example, the "Owns Alone" ceremony for women over forty years of age was one in which the woman publicly proclaimed her steadfastness to her husband. Should she be challenged by

³⁶ *Blackfoot Social Life*, p. 27.

³⁷ Fletcher and La Flesche, *op. cit.*, p. 404.

anyone present, she might require her accuser to swear an oath. "If the accuser so swear, the public pelt the woman with buffalo chips and filth, running her out of camp."³⁸ Or again, in the public ceremony to test the virginity of young girls, "if a young woman is guilty and yet pretends that she is not, any man who knows that she is lying will go up, throw a handful of dirt in her face . . . or perhaps will drag her forcibly from the place."³⁹ In these cases the punishment inflicted is probably just as much a penalty as would be subjection to whipping or branding, or some other corporal punishment, and for that reason suggests a penal sanction. But one element is missing. That is some authoritative body or person, representing the entire society, which or who is responsible for bringing about the chastity and virginity tests. The feast is held in public; the men are invited by the woman herald to come and challenge the women assembled for the test, and if found guilty the women are derided and pelted with buffalo chips. But the constituted authority of the tribe—the chiefs and the soldiers—enter the ceremony not as officials in the administration of official duties but as interested spectators, ready to challenge, to ridicule, or throw buffalo chips along with the rest of the crowd.

One finds several other instances of the semiorganized operation of the satirical sanction in the testing of virtuous young men, in the selection of lance-bearers for some of the military societies, in the calling-off of mistresses' names by men on a war party, and in a highly specialized form among the Crow and Hidatsa, in the so-called "joking relationship." All these, however, have but partial organization in terms of tribal centralized authority and must logically be classed as informal diffuse sanctions.

There is yet to be considered under the organized sanctions the positive expressions of approval—those gifts, emoluments, badges, medals, or other rewards or insignia which are tendered an individual in some organized manner, representative of the community as a whole, in recognition of proper conduct. To these the term "premlial" has been applied.

³⁸ Wissler, *Oglala Societies*, p. 76.

³⁹ *Ibid.*, p. 77.

It is not surprising to find, militaristic and hunt-conditioned as the Plains groups were, that most public commendation came to an individual because of prowess in war and the chase. The chief expression of this approval in an organized way is to be found in the custom, somewhat peculiar to the Plains, of counting coups—the privilege of each individual, whether male or female, to relate in public those meritorious deeds which he or she had done. The term coups (“blows”) has come to be applied to these public recitals because it was customary after reciting a worthy performance to strike, or have struck for you, a blow on a drum, a post, or other object. The exploits which warranted a count varied from tribe to tribe in minor details and were ranked in importance; some were of considerably greater value than others in securing tribal approval.

One of the best examples of the formality and regularity attaching to the coup count is found among the Omaha. Here the count was rigorously controlled by the “Packs Sacred to War” group. Until a man’s deeds were formally awarded to him by this group, he had no right to assume the honors inhering in his act; such formal bestowal and tribal recognition were essential elements of the award. The Keeper of the Sacred Tent of War, assisted by other leaders, presided at the public ceremony when the honors were bestowed.⁴⁰ After being subjected to an oath and presented with a witness stick,

the man claiming the first honor stepped forward and began the recital of his deed, telling how he struck the body of the enemy. He held the red witness stick over the pack and all the people listened attentively to his words. At a signal from the keeper he let the witness stick drop. If no one had disputed his story and the stick rested on the pack, the people sent up a great shout of approval, for the omniscient birds in the pack had accepted his words as true. But if he was disputed and the stick fell to the ground, it was believed that his words had been rejected by the birds. Then the people shouted in derision, his stick was tossed away and the man lost the honor he had sought to gain. If the stick remained on the pack, the keeper granted permission for the man to wear the insignia of the grade to which his deed belonged. . . . ⁴¹

With somewhat less formality than among the Omaha, the awarding of honors, or the assumption of honors with public approval, is found generally throughout the Plains groups. In

⁴⁰ Fletcher and La Flesche, *op. cit.*, p. 142.

⁴¹ *Ibid.*, p. 437.

so far as these represent an organized public award, they can legitimately be classed as premial sanctions. There are, however, a number of other types of public acclaim or approval in the Plains which operated as powerful sanctions but the organized character of which is much less clear. The most important of these are the singing of praise songs for returning warriors or hunters, the right of an individual who has distinguished himself to make use of various insignia to proclaim that fact to the world, and awards of various sorts to women for virtuous conduct. The reports are not specific as to just how public, how representative, how regularized, and how organized is the procedure in these cases. A good argument can be made, perhaps, particularly in the case of the awards for virtuous conduct where the matter was given formal consideration by the tribal council, for the inclusion of these forms of approval under the organized sanctions. Yet if one opens up the organized premial category to these cases, a number of other rewards of a semiorganized nature or to which the public as a whole passively acquiesced immediately clamor for admittance. If one sticks to the logic of the classification and draws the line rigidly at the coup count, or at some other distinctly organized proceeding, at once violence is done to closely related types of social control that sociologically should be considered together. This difficulty of classification, insurmountable as it would appear except for purely procedural analysis, is commented on later.

The diffuse sanctions.—These “spontaneous expressions of approval or disapproval by members of the community acting as individuals” were, in the Plains, fairly numerous but are extremely difficult to classify. Ridicule played a very important function. Breaches of marriage and residence rules, of avoidance and respect taboos, were condemned by words or acts designed to bring shame upon the wrongdoer. Among the Crow a man who resisted the abduction of his wife was derided in song; should he later take back this same abducted wife he was told: “Your face stinks,” and he was nicknamed the “holder of a crazy woman.”⁴²

Bravery and proper conduct in war were also strongly con-

⁴² Lowie, *Mandan, Hidatsa and Crow*, p. 86.

trolled by ridicule. In an Omaha war dance, after the return from a victorious war party, "laughter and derision greet any mention of cowardice, shrinking or begging for mercy of the opponent."⁴³ If an officer of the Crow Muddy Hands Society "ran away instead of assisting his fellow tribesman, other people made fun of him and called him a coward."⁴⁴ If one of the Crow Big Dog Belt Wearers, whose oath required him never to retreat from the enemy, returned alive to the camp, he was made the "laughing stock" of his fellow-tribesmen, and if he fled in spite of his obligation to make a stand, "he was thenceforth treated as a coward and outcast, regardless of his former reputation."⁴⁵ If an officer of the Crow Fox Society failed to live up to his duty not to flee from the enemy, he was "held in contempt and said to be in the condition of a menstruating woman."⁴⁶

Similar applications of ridicule can be found in nearly all the Plains tribes in connection with bravery on the battlefield, and particularly in connection with those members of the military societies whose official duties required of them some brave or rash act, such as staking one's self down before the enemy, planting a lance in the foreground of battle and never leaving it, or refusing to retreat even when repulsed by the enemy. Ridicule was used not only to hold these officers to their obligations but also in selecting them for the dangerous but glorious offices they held. For example, in the selection of the lance-bearers in the Oglala Crow Owners' Society, should the candidate selected refuse the office, he was persuaded, lectured, and given gifts, and if he then still refused, "the members and the crowd join in ridicule and impromptu songs of derision."⁴⁷ In inducing an unworthy officer to vacate his office, he was made so ashamed that he withdrew.⁴⁸ In the Sotka Society of the Dakota, "if the two virgin singers fall into temptation they are dismissed and publicly defamed."⁴⁹ Dismissal from any position of honor in

⁴³ James, *Long's Expedition*, II, 13.

⁴⁴ Lowie, *Crow Military Societies*, p. 183

⁴⁷ Wissler, *Oglala Societies*, p. 24.

⁴⁵ *Ibid.*, pp. 181-83.

⁴⁸ *Ibid.*, p. 65.

⁴⁶ *Ibid.*, p. 158.

⁴⁹ *Ibid.*, p. 33.

any of these societies was, of course, throughout the Plains a "public disgrace."

Nor were even the most honored exempt from the operation of this sanction if their future conduct should flaunt tribal custom. For example, take the case of Simon, a Dakota brave who had taken so many scalps that no one could "soldier-kill" him—the highest mark of prestige; yet when he turned Christian, cut off his hair, and abjured his Dakota honors,

no one was found so poor as to do him reverence. As he passed through the village, going to his work, he was laughed at, and the children often said, "There goes the man who has made himself a woman." The men who before had honored him as a Dakota brave now avoided him and called him no more to their feasts.⁵⁰

One development of the satirical sanction in the Plains deserves special mention—the well-known joking relationship. Privileged familiarity or some form of joking relationship exists among many of the world's preliterate peoples, but nowhere was it developed quite as distinctively as among the Crow and Hidatsa tribes of the Plains. This relationship existed between individuals whose fathers belonged to the same clan,⁵¹ and the joking privilege was much more than just the liberty to play practical jokes upon, or make obscene remarks to, your joking partner. With regard to it Lowie says:

The basic notion of this relationship in its more serious aspects seems to be that of licensed and unrestricted criticism for an infraction of tribal custom. When a man has committed some reprehensible deed, e.g., married a clan mate, or shown jealousy, it was not the function of his fellow clansmen but of his *makutsati* [joking relative] to reprove him or make fun of him. They would spread the news of the wrongdoing and throw it in the offender's teeth and he was obliged to take all this in good part as the prerogative of *makutsati*.⁵²

The practice seems to have begun as early in life as children could be made aware of its possibilities and obligations and to have extended to all manner of behavior: ignorance of technical procedures, poor sportsmanship, improper marriage, cowardice—

⁵⁰ Riggs, *Dakota Ethnography*, p. 221.

⁵¹ Among the Crow extending to linked clans (Lowie, *Social Life of the Crow Indians*, p. 205).

⁵² Lowie, *Mandan, Hidatsa and Crow*, p. 42.

in fact, apparently to anything that was socially reprehensible in the group. Some of the cases indicate that the joking sometimes took a rather inconsequential turn: for the Hidatsa, Lowie records a case where a man was twitted for availing himself of the levirate—a practice regarded as perfectly proper or even obligatory in the society.⁵³ One cannot be quite sure where the joking of the relationship leaves off and the serious corrective influence begins. Exemption from joking could be obtained by performing brave or great deeds—an interesting case of estoppel.

Among both the Crow and the Hidatsa the impersonal nature of the joking relationship is specific. Though the ridiculed transgressor might feel "like sinking into the ground with shame," he must not resent the fun-poking but must wait for an opportunity to heap shame upon his "relative" when the latter transgressed. Yet the "getting-even" procedure was not in the nature of retaliation, for the requital of the one first joked was not a matter of revenge or personal satisfaction but a distinctly social obligation imposed upon him by the group to which he belonged.

In addition to ridicule other expressions of social disapproval of a diffuse nature were common in the Plains. These expressions were made articulate usually through such words as "disgraceful," "disloyal," "crazy," "without honor," and the like. Any evaluation of their significance as social control factors, in comparison with other mechanisms for the same purpose, is at present impossible. Instances are reported also of other kinds of disapproval, diffuse in nature, such as shunning, gestures, and other physical reactions denoting disgust or disapproval. The Plains literature is practically devoid of any useful material along this line though Fletcher and La Flesche have recorded for the Omaha a list of nineteen terms applied to bad traits of character and bad conduct which, in their words, "may assist toward making clearer Omaha ethics as applied to social life."⁵⁴ Such word lists, with as many contextual variations in meaning

⁵³ *Ibid.*, p. 47.

⁵⁴ *Op. cit.*, pp. 603-4. A similar list of terms covering good traits and good conduct is also recorded.

as it is possible to obtain, will probably be necessary before much can be done in classifying, ordering, or evaluating the diffuse expressions of public opinion among the Plains or other primitive groups. We can at present do little more in evaluating the diffuse negative sanctions than to accept Lowie's characterization of the North American Indian generally in this respect, when he says:

To meet with universal reprobation on the part of one's neighbors; to have derisive songs sung in mockery of one's transgressions; to be publicly twitted with disgraceful conduct by joking relatives—these were eventualities to which no Indian lightly exposed himself.⁵⁵

The diffuse positive sanctions in the Plains, those reactions approving individual conduct, can also be discussed only in the most general terms. That they are important tools for the maintenance of Plains values is easily recognized but the psychological, linguistic, and cultural analysis which is prerequisite for their evaluation is still a future achievement of social science. The values which stand out most prominently are two: bravery for the men and virtuousness for the women. These do not, however, exhaust the possibilities of achieving respect and esteem; generosity, truth, honesty, self-control, courtesy, respect for superiors, industry, and thrift—all were approved and applauded. This approval manifested itself in a variety of ways—through words, glances, smiles, even on occasion through avoidance. The present literature does not even approximate our needs in classifying these spontaneous expressions of approval.

The religious sanctions.—The real force of the religious sanctions as control devices among the Plains tribes is largely obscured by general statements of two types: first, those which emphatically minimize any religious or ritual restraint and, second, those which attribute religious or supernatural influence practically to all regulative procedure. Nowhere does bias play more havoc with understanding than in this aspect of Plains control. Denig, writing generally of crimes and the prevalence of individual revenge among the Upper Missouri tribes, records that these tribes see "in all this no offense to Wakonda, nor any

⁵⁵ *Primitive Society*, p. 385.

idea of moral wrong," individual retaliation being the only punishment they expect.⁵⁶ Against this can be set the religious restraints among the Omaha where, according to Dorsey and borne out by the later investigations of Fletcher and La Flesche, these extended to a large part of the social activity.⁵⁷

Among the Omaha the following persons and things are listed as sacred: the sacred pipes, the sacred pole, the hide of the white buffalo, the clam shell, the chiefs themselves, the keepers of the sacred tents and pipes, the gentes, subgentes, and all taboos. It is possible to show that the foregoing features constitute almost the whole of Omaha social life. Even violations against the hunt rules and murder were regarded as religious offenses, though the policemen who dealt with the crimes were considered to be of human origin. Whether this greater emphasis on religious sanctions among the Omaha and their comparative neglect by other groups is the true state of Plains religious controls it is impossible to say. The fact remains that it is from the Omaha that most of our examples of religious sanctions must be taken.

Religious sanctions may operate either immediately—that is, may follow automatically from the behavior without the active intervention of supernatural forces—or they may be imposed upon the individual through the mediation of some supernatural agency. The reported cases do not, however, allow us to distinguish in many cases whether some mediating agency is involved or not.

The immediate sanction is best represented by those cases where, for the violation of some taboo, disease or other misfortune results to the offender. The same sanction is reflected in the advice given to scouts in the buffalo hunt, where these are warned that if they do not tell the truth dire consequences, such as being struck by lightning, thrown by one's horse, bitten by a snake, etc., may result.⁵⁸ Oaths administered to test the truth of statements are also based on this immediate ritual sanction. In addition to the foregoing examples, all from the Omaha, the sanction is found in connection with the practice reported for the

⁵⁶ *Op. cit.*, p. 481.

⁵⁷ Dorsey, *Omaha Sociology*, p. 356.

⁵⁸ *Ibid.*, p. 367.

Crow by Lowie, and by others for the Plains-Ojibway, Cree, and Blackfoot, of "sexual confession" on war parties; a man who failed to tell the truth at these confessions was likely to be slain on the next war party.

Whether the difficulty previously mentioned of distinguishing between the immediate and the mediate religious sanctions is an inherent one brought about by the native's unclear conception of how nonhuman punishments are inflicted, or is the result of too little inquiry on the part of the investigators, it is difficult to say. Were the facts about many of the immediate sanctions better known, it is quite possible that the intervention of some supernatural agency might be seen. Only a few definite examples of the infliction of punishment by supernatural power are recorded, and these chiefly from the Omaha; the other instances do not admit of analysis from this standpoint.

The active intervention of the gods is shown in the case of two brothers among the Omaha who refused to assume the office of Keeper of the Sacred Tent of War to whom the office had lawfully descended. Shortly after their refusal "both men were killed by lightning, and their deaths were regarded as a punishment sent by the Thunder god for the disrespect shown the office of keeper by their neglect of duty toward the sacred rites committed to their care."⁵⁹ Another instance is recorded in connection with the sacred pipes, the life of the keeper of which "would be in danger of the supernatural powers" should he let one of the pipes fall while filling it.⁶⁰ The Omahas also "were afraid to abandon their aged on the prairie when away from their permanent villages lest Wakanda should punish them."⁶¹

Among the Canadian Dakota, if a man failed to carry out his obligation to perform the Sun Dance, "the sun carries this information to the thunders and they will punish him. If he fails altogether in the performance the thunders will kill him," for if the sun "comes to a man and tells him to do a certain thing which the man fails to perform, he will be killed."⁶² The

⁵⁹ Fletcher and La Flesche, *op. cit.*, p. 403.

⁶⁰ *Ibid.*, p. 209.

⁶¹ Dorsey, *Omaha Sociology*, p. 369.

⁶² Wallis, *Canadian Dakota Sun Dance*, p. 328.

writer cites one instance of a death resulting from such failure to perform the Sun Dance as directed. Practically no information is available on the positive aspect of the religious sanction, though it is probable that the attainment of a desirable relationship with the gods for acts of a nature opposite to that of sin was much more frequent than the literature would indicate.

The nonobligatory sanctions of Professor Radcliffe-Brown's classification, the so-called "luck" sanctions, are very important in the Plains; they are the motivating influence behind much, if not all, of the vision or guardian-spirit experience, which experience was necessary for the insurance of success in almost any enterprise of vital importance to the individual. Most commonly these sanctions work immediately, the neglect of particular rites resulting in bad, the performance of certain others resulting in good, fortune. The characteristic that distinguishes them primarily from the religious sanction is not their procedural aspect, but their lack of social compulsion from the group as a whole. Hence they might even appear classifiable as secondary sanctions, based on primary group beliefs but carried on purely for individual ends. Until they have become socially obligatory they are important for the individual only in his relationship to the spirit world. Objection to the inclusion of luck sanctions as illogical in Professor Radcliffe-Brown's proposed classification is made in a later section.

The primary sanctions in constituent tribal groups.—Thus far we have looked at the primary sanctions in their relationship to the largest political grouping which occurs in the Plains—the tribe. Very instructive, however, with regard to the operation of sanctions are those group reactions which are to be found in the constituent groups of the larger political whole, ranging from groups based on kinship, such as the elementary family, through larger kin groups and finally to numerous types of nonkinship associations existing for social, military, or religious purposes. In all these we find the primary sanctions operating—group reactions having for their purpose the protection of the honor, integrity, or interests of the group rather than those of any individual member.

In the Dakota family "children are scolded often, they are pushed, or shoved, or sometimes shaken, and they are rarely whipped."⁶³ If an Omaha girl was disobedient, "she received a blow on the head or back from the hand of the mother."⁶⁴ The control exercised by the family group did not cease with the maturity of the child, or even upon its separation from the family group by marriage; the family, as such, was alert to see that it was not injured by an act of one of its members. Particularly is this apparent in the disciplinary actions taken against women who, either through promiscuity before marriage or infidelity afterward, brought disgrace upon the family group.

Larger kin groups—the extended family and the clan—also exercised control of their members within the realm of activity characteristic of those groups. It would be of interest to analyze the sanctions operating in these groups since they controlled their members by reactions similar to those operating for the society as a whole, bringing pressure to bear on them to refrain from doing those things which militated against, or encouraging those things which added prestige to, the family or clan as a whole. Such analysis is precluded, however, by lack of material, since it would entail not only a thorough study of the constitution and control activity of each of the groupings, but also their relationships to one another and to the society as a whole.

The nonkinship groupings afford further opportunity to observe the operation of the social control mechanisms. The Plains tribes had a great variety of such associations, differing in constitution and function. Many of them were so closely identified with tribal control, particularly at certain times of the year, that they were an important administrative body; in such capacity the military societies have been previously discussed. It is of interest also, however, to consider them not as parts of the tribal political administration but as individual units carrying on under their own organization. Many of them had specific functions of a religious, ceremonial, social, or military nature; others embodied all four of these functions. The so-called mili-

⁶³ Riggs, *op. cit.*, p. 209.

⁶⁴ Dorsey, *Omaha Sociology*, p. 265.

tary societies are perhaps the most instructive for us, and on them, thanks to the labors of many workers and particularly Wissler and Lowie, we have much valuable data.⁶⁵

Each of these associations was independently organized; so much so in fact that at the time of their selection for any special duty, such as policing the buffalo hunt, it was necessary to deal only with their leaders.⁶⁶ Without undue distortion the following general picture of them can be drawn. Usually they were composed of an indefinite number of lay members and one or more of the following officers regularly elected from the membership ranks: leaders, pipe-keepers, lance-bearers, whip-bearers, heralds, food-passers, drummers and singers. Actual direction of the society's affairs were vested in some one of these sets of officers, usually the leaders or the pipe-keepers; police functions were performed by the whip-bearers. In the control of members and officers we find well illustrated most of the control sanctions we have already discussed for the entire community. Penal sanctions were applied for various offenses against the society's regulations—failure to attend meetings, failure to participate in the dances, failure to carry out the duties of one's office. These sanctions were backed up by regular machinery, consisting for the most part of duly elected officials who punished by cutting up the culprit's blankets, by whipping, or by expulsion from the association. Other sanctions operated also: the use of ridicule, the presentation of gifts, the singing of praise songs, and informal approval or disapproval in general conversation.

It is not necessary to report in detail the organization and procedure of control in these associations. It is enough to indicate that the control mechanisms operate in a manner closely paralleling their operation in the tribe as a whole, and to call attention to the fact that in these associations is found a duly constituted and organized authority for the application of the legal sanctions. These miniature societies exhibit the character-

⁶⁵ Compiled principally in the *Anthropological Papers, American Museum of Natural History*. See in particular Vol. XI, devoted exclusively to Plains societies.

⁶⁶ Wissler, *Indians of the Plains*, p. 97.

istics of statehood and organized control as strongly as the tribal whole of which they form a part.

It was this strikingly statelike organization of the Plains associations that led Lowie in his *Primitive Society* to suggest them as forerunners of the state—a suggestion he later abandoned in his *Origin of the State* since he could not reconcile the oppositional nature of the associations, and their decided pull against unification, with the strongly unified and centralized authority necessary for a state. In his search for origins Lowie attempted to make these comparable institutions antecedent ones.

One does not find in these Plains military societies the germs of law and of the state. One finds that the germs have germinated and grown up. They are comparable, not antecedent, to our modern state, and what would appear to be the important problem for study is not the investigation of how one grew out of the other, but what they have in common which might throw light on the nature of law and of the state.

THE SECONDARY SANCTIONS IN THE PLAINS TRIBES

The secondary sanctions, as previously indicated, are based on the general principle of satisfaction for a wrong suffered, a satisfaction secured by some kind, or right, of retaliative action against the wrongdoer. The parties to the action may be single individuals, an individual and a group, or two groups. Thus, secondary sanctions can be seen to extend themselves over a wide range of retaliatory activity, from a mere contractual or tort relationship between two persons to such as assume the proportions of a feud or war and lead eventually into the field of international law. This difference in the individual or group nature of the parties to the satisfaction is not, however, one which affects the fundamental nature of the sanction controlling the settlement; whether an individual or a group is proceeding against an individual or another group, the societal reaction—the sanction—which permits or actively aids the retaliation or restitution is the same.

In fact, in many preliterate groups, and this is especially true

of the Plains, it is extremely difficult to determine whether we are dealing with retaliatory actions between individuals or between groups of individuals, for every individual is so closely identified with a family, a clan, a blood-brother, or a band that his actions, whether as an offender or as an injured person seeking satisfaction, usually involve others besides himself. This close identification of an individual with his group is what gives rise to collective retaliation and collective responsibility so frequently found among the simpler groups. This fact is of considerable importance in determining the relative strengths of the conflicting forces and the possible outcome of the conflict, and in throwing light on the oft-observed tendency in primitive societies for an individual to increase the number of his relationships; it does not, however, reflect the nature of the sanction that is operating.

The secondary, retaliatory, restitutive sanctions may be applied by a wronged individual or group with the tacit approval of the community, i.e., supported by a diffuse primary sanction, or they may be applied through some organized procedure of the community as a whole, i.e., through the support of the legal primary sanction. The former is simple individual retaliation or revenge; the latter gives rise to civil law. In the Plains the former type is preponderant—a preponderance that is true of most preliterate peoples in the world. This individualistic nature of Plains justice has been commented on time and again by the various investigators; few have failed to emphasize the nonlegal character of the settlement.

Among the tribes of the Upper Missouri it is said that, since there is no competent judiciary to punish crime, trespass, or insult, "every person is thus constituted his own judge, jury and executioner."⁶⁷ De Smet, McKenney and Hall, Prescott, Larpenteur, and Schoolcraft in other early reports also approximate this statement. Lowie, writing generally of the Plains region, states that "most difficulties were settled by individuals and their kindred," citing adultery and homicide in support of the statement but modifying the latter instance with a statement

⁶⁷ Denig, *op. cit.*, p. 480.

concerning the peace-making activity of the chief in attempting to avert a feud.⁶⁸ In addition to homicide and adultery, individual redress extended to such other trespasses as assault, theft, and robbery. The manner of satisfaction is retaliatory in some cases, restitutive or compensatory in others.

Despite the preponderance of individual retaliation, enough instances of social intervention are to be found to conclude that civil law was not entirely absent in the Plains. The Omaha murder case, made classic by Lowie's analysis several years ago,⁶⁹ where a murderer was banished by action of the Council until the relatives of the deceased forgave him is clearly a case of individual satisfaction, in the settlement of which the tribal authority took a hand. Another mention of societal interference in these individual controversies is found in the following theft case, also from the Omaha:

When the suspected thief did not confess his offense, some of his property was taken from him until he told the truth. When he restored what he had stolen, one-half of his property was returned to him, the rest being given to the man from whom he had stolen.⁷⁰

Dorsey follows the foregoing with the statement that "sometimes all of the policemen whipped the thief"—an application of the penal sanction. Even Denig, whose statements for the most part emphatically deny any civil intervention, states that robbery is seldom attempted since it "would attract the notice and induce the interference of the camp soldiers."⁷¹

These few cases of intervention do not present a very strong case, it must be admitted. However, another aspect of most investigators' reports raises a pertinent question. Practically all investigators say that the police functioned in settling disputes and compounding crimes. Did these police simply command peace and peace ensued, or did they inquire into the circumstances of the case at hand, determine rights on both sides, and arrive at a satisfactory settlement? If the latter, it would appear that civil law was not unknown to the Plains tribes, at least during such time as the tribal organization included the police

⁶⁸ *Primitive Society*, p. 415.

⁷⁰ Dorsey, *Omaha Sociology*, p. 367.

⁶⁹ *Ibid.*, p. 416.

⁷¹ *Op. cit.*, p. 475.

viewed seems to demonstrate with fair conviction that among these Plains Indians law, even in the most formal and restricted sense in which it can be defined, did exist, not only as criminal law but also, though to a lesser extent, as civil law. Neither of these legal functions can be shown conclusively to have operated for the groups for all times of the year or for the large number of delicts that they do for us, but because law had not yet come to pervade Plains culture as continuously or as fully as it has our own is no more justification for denying its existence than it is for denying the existence of certain plants or animals as evolutionary products because only a few of them are found.

Whether the need for such formal regulation was discovered and evolved in connection with the buffalo hunt, the religious practices of the tribe, or in the conduct of war, it is difficult to say; neither is it possible to do anything more than hazard a guess as to whether or not the device was the result of several independent developments or was hit upon accidentally by one group, elaborated by them, and diffused to the others. Perhaps it was a rationally devised scheme, the brain child of some illustrious leader. All these bits of knowledge appear to be lost in the past; all we have left to work with is the fact that these Plains tribes, archindividualists that they are reputed to be, had developed, when they first became known to us, an organized and formalized means for the curbing of this reputed individualism.

CONCLUSIONS

Some amount of unfairness must result in attempting to evaluate the sanction categories with the limited material that the Plains literature affords. Furthermore, the reduction of the proposed categories to outline form has undoubtedly represented these with a finality and rigidity that is both unwarranted and misleading. With due regard, however, for this unfairness, the sanction categories raise certain problems in connection with the manipulation of social control data which the writer feels impelled to suggest.

As a general consideration, so far as the Plains data are concerned—and the writer believes the same difficulty would be

encountered in all attempts to sort similar data—the fitting of the social control material into the proposed categories does irreparable damage to the functional picture of society, since for the sake of the logic of the classificatory device it tends all too frequently to split up closely related behavior that sociologically has meaning only when not separated. For certain purposes such categorical separation may be desirable and legitimate, but for purposes of furthering our understanding of social control it would appear to be misleading. On the other hand, if one is interested in problems more limited in scope than the totality of social control, or even “sanctioned behavior,” a scheme as elaborate as the proposed one appears unnecessary.

In addition to the foregoing general consideration, certain more specific misgivings about the terminology and the logic of the classification as it now stands are felt by the writer. With intent only to solicit further contemplation of these logical and terminological difficulties the following paragraphs are written.

The primary-secondary distinction.—The classification of social control activity into these two large categories based on the societal or individual nature of the interest being protected enables us to avoid the use of prevailing terminology which has become so restricted as to preclude consideration under it of certain valuable data. But it requires very little analysis to see that “secondary” as applied to a sanction which supports individual retaliation is a misnomer since the retaliatory acts are not based on secondary sanctions but on primary ones. The secondary sanctions are really not secondary at all, but are primary ones operating in such a way as to permit or assist an individual to obtain satisfaction for wrongs suffered. All sanctions, being social, are by definition primary ones; the individual retaliatory ones are actually no more derivative or secondary in nature than are those applied by the society as a whole since they find their support in a societal reaction just as truly as some kind of action by the society as a whole finds its support there. Our line of cleavage, therefore, is not really upon the primary or secondary nature of the sanction but upon the kind of interest protected by the societal reaction—that is, whether it is a social or an

individual interest. Professor Radcliffe-Brown has admitted this terminological difficulty but in view of established usage in dealing with the distinction has followed the traditional practice of distinguishing sanctions when it is not the sanction which is being distinguished but the interests protected by the sanction.

It is important, of course, for some purposes that a distinction be made between these interests since they represent the two large branches of modern law, but the question can be raised whether or not, from either a procedural standpoint or from the standpoint of analyzing social reactions, it is necessary or even logically sound to employ such categories.

The luck sanctions.—In the early part of his discussion of sanctions Professor Radcliffe-Brown rules out of consideration under sanctioned behavior such customary usages as technical procedures, etc., on the ground that, though they may have the authority of society behind them, they are not sanctioned or are not socially obligatory in the same sense as are other social obligations. It is, probably, desirable to draw a line somewhere between the totality of social behavior indulged in by an individual as a member of his group and such social behavior as has behind it a social reaction of a more compelling nature; otherwise social control study would be forced to concern itself with a great variety of usages such as those determining technical procedures, laws of etiquette, and even such things as art patterns, or any other cultural trait or pattern which exerts an influence on individual behavior.

However, the exclusion of social usages of this type raises a question as to the inclusion of the so-called "luck" (nonobligatory religious) sanctions in the proposed scheme for the analysis of social control. That these luck sanctions do exercise control over the individual, and that they are socially determined, is admitted, but that they differ in nature from other social usages simply because they are based more on religious or magical than on practical or ethical beliefs does not make them any more socially obligatory than are the "social usages" which it is proposed to eliminate in the treatment. In so far as a man is no more obligated to make a sacrifice to insure luck in hunting or

war than he is obligated to make a regulation bow and arrow for the same purpose, his conduct is not subject to sanction or societal reaction. Hence it would appear that luck sanctions are not properly to be included in a study of social control as such is defined by the other categories of Radcliffe-Brown's sanction classification. For these reasons it would seem that the luck sanctions can properly be neglected except as one is interested in going deeper into the control mechanism and seeing where the social sanctions spring from; but if one does that for the luck sanctions, consistently it would seem he must also do it for the so-called "social usages."

The secondary sanctions.—In the present study it was found to be extremely difficult to classify the material found in the Plains in accordance with the retaliatory and restitutive categories laid down by Professor Radcliffe-Brown under the secondary sanctions. This distinction is in accordance with the familiar but somewhat hypothetical development from a state of unrestrained private vengeance to composition for wrongs suffered. However, when one gets down to actual cases he is immediately confronted by the fact that in any society almost any retaliatory sanction may, and often does, become in any particular case a restitutive or indemnifying one. In other words, nearly always in primitive societies as we now know them an injured person can be bought off by the wrongdoer or his family or friends, and his right of retaliation in such cases becomes restitutive, though the facts of the particular injury and the social compulsion or authority behind his right to some kind of satisfaction remain identically the same. Therefore, though the terms "retaliatory," "restitutive," "indemnifying," etc., may be useful for describing secondarily the nature of the application of the remedy in these cases of satisfaction, they are not useful in their attempt at primary differentiation of the nature of the sanction itself. It is as if we were to devise a different term for the sanction of a penal judgment which operates to inflict a death penalty than we would use for the sanction of a penal judgment which inflicts a fine or imprisonment. The change in individual satisfaction from retaliation to restitution represents

a change in attitude of the society with regard to the nature of the compensation to be made, but it does not necessarily represent a change in the basic nature of the compelling force or the procedural mechanism.

In view of the preceding criticisms it is but just to indicate that Professor Radcliffe-Brown has made no unusual claims for the finality of his proposed categories. He is, in fact, largely responsible for the effort put forth in the present study to validate or invalidate them. No one is more aware than he that such categories must be defined and redefined in the light of criticism and more complete data. The categories as they now stand are an attempt to reduce to some order a complex set of social reactions, and as such the categories readily justify themselves. As pedagogic devices for the induction of students into the subtleties of social control they have unusual merit.

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The following abbreviations are used:

AA	American Anthropologist
AAA-M	American Anthropological Association, Memoirs
AES-P	American Ethnological Society, Publications
AMNH-AP	American Museum of Natural History, Anthropological Papers
AMNH-B	American Museum of Natural History, Bulletin
BAE-B	Bureau of American Ethnology, Bulletins
BAE-R	Bureau of American Ethnology, (Annual) Reports
CU-CA	Columbia University, Contributions to Anthropology
FMNH-PAS	Field Museum of Natural History, Publications, Anthropological Series
ICA	International Congress of Americanists
JAFL	Journal of American Folklore
SI-CK	Smithsonian Institution, Contributions to Knowledge
SI-MC	Smithsonian Institution, Miscellaneous Collections
UCPAAE	University of California Publications in American Archaeology and Ethnology
UW-PA	University of Washington, Publications in Anthropology

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